

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Paul A. Novak
Debtor(s)

Bankruptcy Case No.: 16-24835-TPA
Per April 3, 2017 proceeding
Chapter: 13
Docket No.: 41 - 19
Concil. Conf.: July 27, 2017 at 11:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 27, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jul. 27, 2017 at 11:30 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Whitehall Boro (Claim No. 4 and 5) .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: April 11, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Paul A. Novak
 Debtor

Case No. 16-24835-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: lmar
 Form ID: 149

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 Total Noticed: 27

Date Rcvd: Apr 11, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 13, 2017.

db +Paul A. Novak, 5148 Baptist Road, Pittsburgh, PA 15236-1720
 cr +Borough of Whitehall, Goehring, Rutter, and Boehm, 437 Grant Street, 14th Floor,
 Frick Building, Pittsburgh, PA 15219, UNITED STATES 15219-6101
 14387235 +Borough of Whitehall, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
 14343658 +Borough of Whitehall, c/o Goehring Rutter & Boehm, 437 Grant Street, 14th Floor,
 Pittsburgh, PA 15219-6101
 14356189 +Chase Mtg, Po Box 24696, Columbus, OH 43224-0696
 14356192 +Deutsche Bank National Trust Company, c/o Select Portfolio Servicing, Inc., P.O. Box 65250,
 Salt Lake City, UT 84165-0250
 14343660 +First Associates Loan Servicing, LLC, P.O. Box 503430, San Diego, CA 92150-3430
 14356195 +G C Services, 6330 Gulfton St Ste 400, Houston, TX 77081-1108
 14356196 +Gm Financial, Po Box 181145, Arlington, TX 76096-1145
 14356197 +Jordan Tax Service, Inc., 102 Rahway Road, Canonsburg, PA 15317-3349
 14343661 +KML, 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541
 14356199 +Onemain Fi, Po Box 499, Hanover, MD 21076-0499
 14343664 +Santander Consumer USA, P.O. Box 560284, Dallas, TX 75356-0284
 14356203 +Santander Consumer Usa, Po Box 961245, Ft Worth, TX 76161-0244
 14343665 +Select Portfolio Servicing, P.O. Box 65250, Salt Lake City, UT 84165-0250
 14356205 +Select Portfolio Svcin, Po Box 65250, Salt Lake City, UT 84165-0250
 14356208 +Verizon, 500 Technology Drive Suite 30, Weldon Spring, MO 63304-2225

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr

+E-mail/PDF: acg.acg.ebn@americaninfosource.com Apr 12 2017 01:03:32
 Capital One Auto Finance, a division of Capital On, c/o Ascension Capital Group,
 P.O. Box 165028, Irving, TX 75016, UNITED STATES 75016-5028
 14343657 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Apr 12 2017 01:08:56 American Info Source Lp,
 Post Office Box 248848, Oklahoma City, OK 73124-8848
 14356191 +E-mail/Text: creditonebknofications@resurgent.com Apr 12 2017 01:11:30 Credit One Bank Na,
 Po Box 98872, Las Vegas, NV 89193-8872
 14343659 +E-mail/Text: DQENOTICES@BERNSTEINLAW.COM Apr 12 2017 01:12:11 Duquesne Light Company,
 c/o Peter J. Ashcroft, Esquire, Bernstein Law Firm, P.C.,
 707 Grant St. Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1900
 14343662 +E-mail/Text: csc.bankruptcy@amwater.com Apr 12 2017 01:12:10 PA American Water,
 PO Box 578, Alton, IL 62002-0578
 14343663 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 12 2017 01:08:59
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk, VA 23541
 14356202 +E-mail/PDF: resurgentbknofications@resurgent.com Apr 12 2017 01:03:32 PYOD LLC,
 C/O Resurgnet Capital, PO Box 19008, Greenville, SC 29602-9008
 14353609 +E-mail/PDF: resurgentbknofications@resurgent.com Apr 12 2017 01:03:32
 PYOD, LLC its successors and assigns as assignee, of FNBM, LLC, Resurgent Capital Services,
 PO Box 19008, Greenville, SC 29602-9008
 14356206 +E-mail/Text: appebnmailbox@sprint.com Apr 12 2017 01:11:48 Sprint, Customer Service,
 P.O. Box 8077, London, KY 40742-8077
 14356207 +E-mail/PDF: gecsed@recoverycorp.com Apr 12 2017 01:03:42 Synch/jcp, Po Box 965007,
 Orlando, FL 32896-5007

TOTAL: 10

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Citizens Bank of Pennsylvania
 cr Deutsche Bank National Trust Company, as Trustee,
 cr Duquesne Light Company
 14356186* American Info Source Lp, Post Office Box 248848, Oklahoma City, OK 73124-8848
 14356187* +Borough of Whitehall, c/o Goehring Rutter & Boehm, 437 Grant Street, 14th Floor,
 Pittsburgh, PA 15219-6101
 14356193* +Duquesne Light Company, c/o Peter J. Ashcroft, Esquire, Bernstein Law Firm, P.C.,
 707 Grant St. Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1900
 14356194* +First Associates Loan Servicing, LLC, P.O. Box 503430, San Diego, CA 92150-3430
 14356198* +KML, 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541
 14356200* +PA American Water, PO Box 578, Alton, IL 62002-0578
 14356201* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
 (address filed with court: Portfolio Recovery Associates, LLC, POB 12914,
 Norfolk, VA 23541)
 14356204* +Select Portfolio Servicing, P.O. Box 65250, Salt Lake City, UT 84165-0250
 14356188 ##+Capital One, Po Box 5253, Carol Stream, IL 60197-5253
 14356190 ##+Condor Captl, 165 Oser Av, Hauppauge, NY 11788-3710

TOTALS: 3, * 8, ## 2

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

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Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 13, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 11, 2017 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Deutsche Bank National Trust Company, as Trustee, in trust for registered Holders of Long Beach Mortgage Loan Trust 2004-1, Asset-Backed Certificates, Series 2004-1 bkgroup@kmlawgroup.com
Jeffrey R. Hunt on behalf of Creditor Borough of Whitehall jhunt@grblaw.com, cnoroski@grblaw.com
Mary F. Kennedy on behalf of Creditor Citizens Bank of Pennsylvania mary@javardianlaw.com, tami@javardianlaw.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Paul W. McElrath, Jr. on behalf of Debtor Paul A. Novak ecf@mcelrathlaw.com, donotemail.ecfbackuponly@gmail.com
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com, ckutch@ecf.courtdrive.com;pashcroft@ecf.courtdrive.com;pghecf@bernsteinlaw.com;cabbott@ecf.courtdrive.com
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com

TOTAL: 7